

PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

9

Application Number 10/825639

Filing Date 4/15/2004

First Named Inventor Koskey

Art Unit 3742

Examiner Name Fastovsky

Attorney Docket Number KHI-0401

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Post Card

Remarks

NOTICE of Appeal
Pre Appeal Brief Request**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Law Office of Dale B. Halling, LLC

Signature

Dale B. Halling

Printed name

Dale B. Halling

Date

12/9/05

Reg. No.

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CERTIFICATE OF TRANSMISSION/MAILING

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Laura P. Hansen

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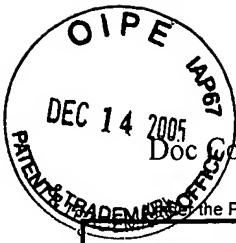
Laura P. Hansen

Date

12/9/2005

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

KHI-0401

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on 12/9/2005Signature [Signature]Typed or printed name LAURA P. HANSEN

Application Number

10/825,639

Filed

4/15/2004

First Named Inventor

Koskey

Art Unit

3742

Examiner

Fastovsky

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒

attorney or agent of record.

Registration number 38 170☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

[Signature]

Signature

DALE B. HALLING

Typed or printed name

719-447-1990

Telephone number

12/9/05

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Koskey, James Jr.
Leonid

EXAMINER: Fastovsky,

SERIAL NO.: 10/825,639

GROUP: 3742

FILED: April 15, 2004

CASE NO.: KHI-0401

ENTITLED: Heated Pet Mat

Law Offices of Dale B. Halling
655 Southpointe, Suite 311
Colorado Springs, CO 80903
December 9, 2005

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
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Remarks

Status of the Claims

Claims 1-12 are at issue. Claims 7 & 8 stand rejected based on 35 USC 102(e) as being anticipated by Park (2004/0195227). Claims 1-6 & 9 stand rejected based on 35 USC 103(a) as being unpatentable over Park (2004/0195227). Claims 10-12 stand rejected based on 35 USC 103(a) as being unpatentable over Park in view of Graflind (4,788,417) and further in view of McCann (2,612,585).

Clear Issues for Review

I. The Prior Art does not show or suggest every element recited in claims.

Claim 7 requires that the housing have the shape of a truncated semicircle. This is shown in FIG.s 2 & 4 of the specification. As explained in the Background section of the present application, "there is significant waste when cutting a circle or pair of semicircles from a sheet of plastic. . . . This has resulted in pricing round or semicircle heated pet mats out of the market." The point of the present application is a heated pet mat for igloo shaped dog houses. (See Background). The shape shown in Park (2004/0195227), FIG.s 2-4, is essentially a rectangle not a truncated semicircle. The cushion 40 in Park will not fit snugly inside an igloo shaped dog house. As a result, it fails to meet one of the main goals of the present invention. Claim 7 is allowable over the prior art.

Claim 8 requires the housing be made of a fire resistant material. The Examiner states that Park uses the same material as the present application. In the present application, PVC and ABS (page 5, lines 6 & 7) are cited as possible materials for the housing. Park never mentions that his material should be fire resistant and cites as types of material, upholstery fabrics, cloth fabric, vinyl fabrics and soft leather like materials (Paragraph 39). While Park's laundry list overlaps with PVC, not all these materials are fire retardant and therefore it cannot be said that Park teaches a fire retardant material. Claim 8 is allowable.

Claim 1 requires a fire retardant material and a truncated circle folded in half. The truncated circle is shown in FIG.s 2 & 4 of the specification. As explained in the Background section of the present application, "there is significant waste when cutting a circle or pair of semicircles from a sheet of plastic. . . . This has resulted in pricing round or semicircle heated pet mats out of the market." The point of the present application is a heated pet mat for igloo shaped dog houses. (See Background). The shape shown in Park

(2004/0195227), FIG.s 2-4, is essentially a rectangle not a truncated circle folded in half. Claim 1 is allowable.

The Examiner states that Park uses the same material as the present application. In the present application, PVC and ABS (page 5, lines 6 & 7) are cited as possible materials for the housing. Park never mentions that his material should be fire resistant and cites as types of material, upholstery fabrics, cloth fabric, vinyl fabrics and soft leather like materials (Paragraph 39). While Park's laundry list overlaps with PVC, not all these materials are fire retardant and therefore it cannot be said that Park teaches a fire retardant material. Claim 1 is allowable.

Claim 2 requires that the edges be sealed together along an edge. If this is so obvious, we merely ask that the Examiner cite a reference showing this feature. Until the Examiner finds such a reference, claim 2 is allowable.

Claim 3 requires that the fire retardant material be ABS. There is no suggestion in Park that the material be made of a fire retardant material or that it be made of ABS. Clearly, claim 3 is allowable over the prior art.

Claims 4 & 5 are allowable for the same reasons as claim 1.

Claim 6 further defines the truncated circle and is clearly allowable over the prior art.

Claim 9 requires that the fire retardant material be ABS. There is no suggestion in Park that the material be made of a fire retardant or that it be made of ABS. Clearly, claim 9 is allowable over the prior art.

Claims 10 & 11 are allowable as being dependent upon an allowable base claim.

Claim 12 requires that the housing have the shape of a truncated semicircle. This is shown in FIG.s 2 & 4 of the specification. As explained in the Background section of the present application, "there is significant waste when cutting a circle or pair of semicircles from a sheet of plastic. . . . This has resulted in pricing round or semicircle heated pet mats out of the market." The point of the present application is a heated pet mat for igloo shaped dog houses.

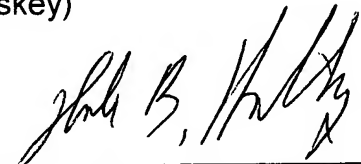
(See Background). The shape shown in Park (2004/0195227), FIG.s 2-4, is essentially a rectangle not a truncated semicircle. The cushion 40 in Park will not fit snugly inside an igloo shaped dog house. As a result, it fails to meet one of the main goals of the present invention. Claim 12 is allowable over the prior art.

The Examiner states that Park uses the same material as the present application. In the present application, PVC and ABS (page 5, lines 6 & 7) are cited as possible materials for the housing. Park never mentions that his material should be fire resistant and cites as types of material, upholstery fabrics, cloth fabric, vinyl fabrics and soft leather like materials (Paragraph 39). While Park's laundry list overlaps with PVC, not all these materials are fire retardant and therefore it cannot be said that Park teaches a fire retardant material. Claim 12 is allowable.

Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

(Koskey)

By 

Attorney for the Applicant

Dale B. Halling

Reg. No.: 38,170

Customer No. 25,007

Phone: (719) 447-1990

Fax: (719) 447-0983